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| U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE | | DATE: <u>Sept 1</u> 2004 (1.09.2004) |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. (if known): New York assigned: 10/506407 |
| INTERNATIONAL APPLICATION NO.: PCT/FR03/00656 | INTERNATIONAL FILING DATE: 28 February 2003 (28.02.2003) | PRIORITY DATE CLAIMED: 01 March 2002 (01.03.2002) FR |
| TITLE OF INVENTION: COSMETIC USE OF PHYTOSPHINGOSINE AS A SLIMMING AGENT AND COSMETIC COMPOSITIONS CONTAINING PHYTOSPHINGOSINE | | |
| APPLICANT(S) FOR DO/EO/US: FRANCHI, Jocelyne; PELLICIER, Françoise | | |
| Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <p style="margin-left: 40px;">a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input checked="" type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 40px;">a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 40px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 40px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 40px;">d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</p> <p>20. <input checked="" type="checkbox"/> Other items or information:</p> <p style="margin-left: 40px;">TRANSMITTAL FORM; FEE CALCULATION; INTERNATIONAL PUBLICATION WO 03/074011 A1 WITH INTERNATIONAL PUBLICATION DATE 12 SEPTEMBER 2003 (12.09.2003) WITH SEARCH REPORT AND VERIFIED ENGLISH TRANSLATION WHICH CONSISTS OF 33 PAGES INCLUDING : 21 PAGES TEXTUAL SPECIFICATION, 5 PAGES OF 30 CLAIMS; 1 PAGE OF THE ABSTRACT, 6 SHEETS DRAWINGS; PRELIMINARY AMENDMENT WITH ATTACHMENT A TO BE EXAMINED; EXECUTED INVENTOR'S DECLARATION; EXECUTED ASSIGNMENT AND RECORDATION COVER SHEET; INFORMATION DISCLOSURE STATEMENT PTO FORM 1449 WITH 2 REFERENCES; PCT/IPEA 416 & 409 INTERNATIONAL PRELIMINARY EXAMINATION REPORT; PCT/IB/301 NOTIFICATION OF RECEIPT OF RECORD COPY; PCT/IB/332 NOTIFICATION TO ELECTED OFFICES INFORMING OF THEIR ELECTION; PCT REQUEST.</p> | | |

ATTORNEY'S DOCKET NO: 26274

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| U.S. APPLICATION NO. (if known) not yet assigned <div style="font-size: 1.5em; font-weight: bold;">10/506407</div> | INTERNATIONAL APPLICATION NO. PCT/FR03/00/656 | DATE: <i>Sept 1</i> 2004 (<i>1.09.2004</i>) |
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| 17. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO:.....\$920.00 International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$730.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$770.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1080.00 International preliminary examination fee (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) IPEA-U.S.....\$ 100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div> | <u>CALCULATIONS</u> \$ 920.00 \$ 920.00 | <u>PTO USE ONLY</u> |
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| | | |
|--|----|--|
| Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | \$ | |
|--|----|--|

| CLAIMS | NO. FILED | NO. EXTRA | RATE | | |
|--|----------------|-----------|------------|---------------|----------|
| TOTAL | <u>53</u> -20= | 33 | X \$ 18.00 | \$ | 594.00 |
| INDEPENDENT | <u>3</u> -3= | 0 | X \$ 84.00 | \$ | 0.00 |
| Multiple dependent claims(s) (if applicable) | | | + \$280.00 | \$ | 0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | .00 |
| Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28). | | | | \$ | 0.00 |
| SUBTOTAL = | | | | \$ | 1,514.00 |
| Processing fee of \$130.00 for furnishing the English translation later than ____ 20 ____ 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | 0.00 |
| TOTAL NATIONAL FEE = | | | | \$ | 1,514.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | \$ | 40.00 |
| TOTAL FEES ENCLOSED = | | | | \$ | 1,554.00 |
| | | | | Amount to be: | |
| | | | | refunded | \$ |
| | | | | charged | \$ |

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a. ☒ Two checks in the aggregate amount of \$ 1,554.00 to cover the above fees are enclosed.

b. ☐ Please charge my Deposit Account No. 14-0112 in the amount of \$ _____ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0112.

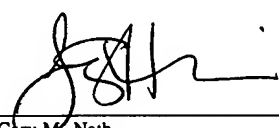
d. Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form. ☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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DT05 Rec'd PCT/PTO 01 SEP 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FRANCHI et al.

International Application No. PCT/FR03/00656

Serial No. NOT YET ASSIGNED

International Filing Date: 28 February 2003 (28.02.2003)

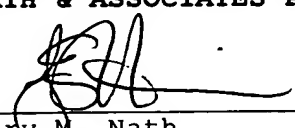
Filed: Sept. 1, 2004For: **COSMETIC USE OF PHYTOSPHINGOSINE AS A SLIMMING AGENT AND
COSMETIC COMPOSITIONS CONTAINING PHYTOSPHINGOSINE**TRANSMITTAL LETTERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark
Office is the following:

- (1) Transmittal Letter
- (2) Transmittal Letter To U.S. Designated/Elected Office (DO/EO/US)
Concerning Filing under 35 U.S.C. 371
- (3) International Publication No: WO 03/074011 A1
International Publication Date: 12 September 2003 (12.09.2003)
With Search Report and verified English translation which
consists of 33 pages including:
 - 21 pages Textual Specification,
 - 5 pages of 30 Claims,
 - 1 page of the Abstract,
 - 6 sheets of Drawings;
- (4) Preliminary Amendment with Attachment A to be examined;
- (5) Executed Inventor's Declaration;
- (6) Executed Assignment and Recordation Cover Sheet;
- (7) Information Disclosure Statement;
- (8) PTO Form 1449 with 2 references;
- (9) PCT/IPEA 416 & 409 International Preliminary Examination
Report;
- (10) PCT/IB/301 Notification of Receipt of Record Copy;
- (11) PCT/IB/332 Notification to Elected Offices Informing of
their Election;
- (12) PCT Request;
- (13) Check No. 21643 \$ 1,514.00 for Government Filing Fee and
additional total claims;
- (14) Check No. 21647 \$ 40.00 for recordation fee;
- (15) Postcard for early notification of serial number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath
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Tanya E. Harkins
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Customer No. 20529Date: Sept. 1, 2004
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